

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK BANKS, )  
Petitioner, ) Civil Action No. 2:11-cv-626  
v. ) Chief Judge Gary L. Lancaster  
UNITED STATES ATTORNEYS ) Chief Magistrate Judge Lisa Pupo  
OFFICE FOR THE WESTERN ) Lenihan  
DISTRICT OF PENNSYLVANIA, et )  
al., )  
Respondents. )

**MEMORANDUM ORDER**

The Petition for Writ of Mandamus was filed in the above captioned case on May 24, 2011, after Petitioner's Motion to Proceed *In Forma Pauperis* was granted. The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 5), filed on December 1, 2011, recommended that the Petition for Writ of Mandamus filed by Petitioner (ECF No. 3) be dismissed with prejudice. Service of the Report and Recommendation was made on Petitioner at #05711-068, F.C.I. 5802, P.O. Box 2000, Fort Dix, NJ 08640. Petitioner was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that he had fourteen (14) days to file any objections. Petitioner filed objections to the Report and Recommendation on December 16, 2011 (ECF No. 6). In addition,

Petition included a motion for discovery with his objections to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following Order is entered:

**AND NOW**, this 21 day of December, 2011,

**IT IS HEREBY ORDERED** that the Petition for Writ of Mandamus filed by Petitioner Frederick Banks (ECF No. 3) is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that in light of the fact that the Court is dismissing the Petition for Writ of Mandamus with prejudice, Petitioner's motion for discovery (ECF No. 6) is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 5) of Chief Magistrate Judge Lenihan, dated December 1, 2011, is adopted as the opinion of the Court.



GARY L. LANCASTER  
Chief United States District Judge

cc: Frederick Banks  
#05711-068  
F.C.I. 5802  
P.O. Box 2000  
Fort Dix, NJ 08640